

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:09-cv-00257**

VICTOR B. WHITE,

Plaintiff,

vs.

**ANTHONY SMEREKA, ANTOINE
TAYLOR, JOSEPH MOSS, KAREN
MCRAE, STEPHANIE SMITH,
JOSEPH PAULK, ANGELA
CHILDS, PAM TIMMER, and CITY
OF CHARLOTTE,**

Defendants.

ORDER

THIS MATTER is before the Court following *pro se* Plaintiff's "Motion for 'Transcript of Files At Government Expenst [*sic*]" filed on October 12, 2010. (Doc. No. 74). Plaintiff generally requested that "a copy of – [*sic*] Transcript be both prepared and sent to the Fourth Circuit Court of Appeals." Plaintiff's request is untimely because it was filed more than fourteen (14) days after filing the notice of appeal. See Fed. R. App. P. 10(b)(1); 4th Cir. R. 10(c)(1). The Court notes, however, that a transcript of the undersigned's oral order during an October 7, 2009 hearing has already been transmitted to the Fourth Circuit on September 14, 2010, per the District Court Clerk's office. To the extent Plaintiff is requesting a transcript of the Court's oral order be transmitted to the Fourth Circuit, Plaintiff's motion is rendered moot. To the extent Plaintiff is requesting a full transcript of the hearing or some portion of the transcript not already transmitted, Plaintiff's motion is DENIED as untimely unless the Fourth Circuit directs otherwise.

The Clerk is directed to send copies of this Order to *pro se* Plaintiff at his address of record, which is, Victor B. White, 773 Sullivant Avenue, Unit D, Columbus, OH 43222-1678.

IT IS SO ORDERED.

Signed: November 29, 2010



Frank D. Whitney
United States District Judge

